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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,070	10/21/2004	Michael Koch	47647	8599

1609            7590            01/19/2007  
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EXAMINER	
KRAMER, DEAN J	
ART UNIT	PAPER NUMBER
3652	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/512,070	KOCHE, MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dean J. Kramer	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 December 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 December 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

**DETAILED ACTION**

The amendment filed December 27, 2006 and the remarks presented therewith have been carefully considered. However, they are not deemed to be fully persuasive.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 7-9, 11, 13, 14, 17, 19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al. (6,443,514) in view of Martin (5,775,664).

The patent to Fuller et al. shows a load handling device that substantially contains the structural limitations as set forth in the above claims except that its carrying plate has only a single penetration point (34), and its lifting means (14) swivels about a first axis but does not rotate about a second axis.

However, Martin shows a lifting device having at least two penetration points (see Figs. 5-7) and a lifting means (26) that can swivel about a first axis and rotate about a second axis that is perpendicular to the first axis.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Fuller et al. device with a wider carrying plate having at least two penetration points similar to that shown in Figures 5-7 of the

Martin patent in order to more securely attach the device to the object being handled.

Further, it would have been obvious to mount the lifting means (14) of Fuller et al. so that it could swivel as well as rotate as taught by Martin thereby making the resulting device more versatile and capable of assuming more positions relative to the carrying plate. In regard to claim 9, the Fuller et al. patent discloses a covering part (56) disposed over one end of the screw head.

In response to applicant's arguments regarding Figure 4 of the Martin patent showing a ring (26) extending beyond the sides of plate member (18), it is pointed out that the Martin patent shows other embodiments (e.g. Figs. 5 and 7) wherein the ring does not extend beyond the confines of its supporting plate member.

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Further, regarding claim 13, it is pointed out that both of the resulting fasteners of the modified Fuller et al. device would extend perpendicular to the plane of the swivel axis similar to the single fastener (16) extends in Fig. 3 of the Fuller et al. patent.

3. Claims 10, 12, 15, 16, 18, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al. in view of Martin as applied to claim 7 and 17 above, and further in view of Tsui et al. (5,848,815).

The patent to Tsui et al. shows a hoist ring comprising a rotary device (12) fixed through a screw section (14) enabling 360-degree rotation of the loop (11). The ends of loop (11) are attached to the rotary part (12) through pins (32,33).

It would have been obvious to a person having ordinary skill in the art to attach the lifting means of the modified Fuller et al. device, as was presented above in section 2, to its rotary part through pins similar to those shown in the Tsui et al. patent in order to facilitate replacement or repair of the lifting means.

Regarding claims 15, 16, and 18, it also would have been obvious to attach the rotary part of the modified Fuller et al. assembly exteriorly to the carrying plate through a screw mechanism projecting from the modified carrying plate as is shown old in the Tsui et al. patent so that the carrying plate could be quickly attached or removed from the lifting means for replacement or repair thereof.

### ***Specification***

4. The abstract of the disclosure is objected to because it contains legal phraseology such as "means" (in lines 4, 10, 12, and 15) which should be avoided. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

5. The corrected drawings were received on 12/27/06. These drawings are approved by the examiner.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean J. Kramer whose telephone number is (571) 272-6926. The examiner can normally be reached on Mon., Tues., Thurs., Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Dean J Kramer 1/17/07  
Primary Examiner  
Art Unit 3652

djk  
1/17/06